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CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Sylvia Ann Bauer

Plaintiff(s),

vs.

Land to Air Express

Mayo Clinic

Mayo Clinic Ambulance Service

Case No. 21-cv-1888 ECT/JFD
(To be assigned by Clerk of District Court)

DEMAND FOR JURY TRIAL

YES ☒ NO ☐

Defendant(s).

(Enter the full name(s) of ALL defendants in
this lawsuit. Please attach additional sheets
if necessary).

COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name Sylvia Ann Bauer
Street Address 3305 So. Indiana Ave; #52
County, City Newton, Toplin
State & Zip Code MO. 64804
Telephone Number 417-499-5860

SCANNED
AUG 20 2021 *nan*

U.S. DISTRICT COURT ST. PAUL

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name *LAND TO AIR EXPRESS (BLUE EARTH, BLUE SKY, LLC)*
 Street Address *50 Sibley Parkway*
 County, City *MANKATO, 55601*
 State & Zip Code *MN 55601*

b. Defendant No. 2

Name *MAYO CLINIC - ST. MARY'S HOSPITAL*
 Street Address *1216 Second Street SW*
 County, City *ROCHESTER*
 State & Zip Code *MN 55902*

c. Defendant No. 3

Name *MAYO Clinic Ambulance Service*
 Street Address *501 Sixth Avenue NW*
 County, City *ROCHESTER*
 State & Zip Code *MN 55901*

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal Question

☒ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name: *Sylvia Ann Bayer* State of Citizenship: *Missouri*

Defendant No. 1: *Land To Air Express* State of Citizenship: *Minnesota*

Defendant No. 2: *Mayo Clinic* State of Citizenship: *Minnesota*

Attach additional sheets of paper as necessary and label this information as paragraph 5.

Check here if additional sheets of paper are attached. ☒

6. What is the basis for venue in the District of Minnesota? *(check all that apply)*

☒ Defendant(s) reside in Minnesota ☒ Facts alleged below primarily occurred in Minnesota

☐ Other: explain

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered

Paragraph 5 –

Defendant number 3 – Mayo Clinic Ambulance Service

State of citizenship - Minnesota

separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7. *See attached.*

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☒

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

One Hundred Twenty Thousand & 20/100 Dollars
(\$120,000.00)

Additional Facts

8/21/19

7. History:

Was in a sitting position on the seat behind the van driver, unrestrained, discussing with the van driver information pertaining to location of motel in Rochester. Van driver was looking up information on her cell phone pertaining to this concern while driving. At one point she asked for a phone number for the motel, which necessitated my looking into carry-on for such information and relating same to her. She placed phone call while driving the van and apparently got the directional information she needed. I relaxed and sat back in the seat. The van driver then started placing materials in spot on right side platform. I kept waiting for the van driver to give some feed back on where my motel was located, but no further information.

8 She then noticed a vehicle trying to pass the van to get ahead of the truck and commented that she wished she knew what he was going to do, as she was trying to pass the truck also. I felt a jolt and the next thing I knew I was on the floor in front of my seat and reaching for the pole. The van driver was still commenting on how she had to swerve and brake or she would hit one or the other.

9 There was one other person on the bus, on the seat in the front row directly across from me on the other aisle. I got the impression that this person was not a passenger but an "observer" as any passenger would normally, I felt, had hollered for the van driver to stop as someone had fallen on the floor. No comment from this person. I personally think that the van driver saw my fall but ignored any assistance as when this other person finally yelled (after I had been pleading "please help me, I think I broke my arm") to the van driver "she thinks she broke her arm". The van driver responded with the comment that she had to contact the office, never questioning how all of a sudden I would have broken my arm. Call to office was made while van driver continued to drive at speed limit (65-70?).

10 The van driver never stopped the van to check on me or even looked at me through the mirror after or before the conversation with the office. I had managed, by some God given strength, to pull myself back onto my seat from the floor, while holding onto this metal pole.

11 As the van driver continued driving the speed limit, with me holding onto the pole while sitting at the edge of my seat, I noticed a Mayo Clinic building and asked her to please stop and get some help for me. The van driver advised that it was just a Mayo Clinic sattelite and had she heard back from the office in time, she would have stopped. I then shortly saw the sign "Austin". So, the satellite clinic was apparently in Austin, MN

12 The van driver continued driving to Rochester (approximately another 65 miles) with never a comment to me or even a glance. I could have had a heart attack from the fall and in need of medical attention and died as a result—with absolutely no concern from the van driver or the other passenger for that matter.

13 Apparently the office had instructed the van driver to proceed directly to Rochester, for when we reached Rochester I found the van stopping at an entrance to Mayo Clinic where it was met by Mayo Clinic First Responders and the Rochester Fire Department.

14 The van driver exited the van and went over and talked to the woman Responder. This Responder approached me and almost accusatively questioned me why I wasn't restrained, apparently thinking I would need time to think of a good answer. No thought required as it was prompted by the need to communicate with the van driver. She then asked me how bad the pain was and I said "12". She became annoyed with me when I questioned the need for a pain reliever as Fentanyl. I was given the injection at that point. That was the first medical attention or attention of any kind I received on my trip on this van from Albert Lea, MN to Rochester with an injury.

15 The EMT transported me to ST Mary's Hospital. I WAS NOT TAKEN TO AN URGENT CARE UNIT, but taken in by BACK door, placed in a wheelchair, & LEFT THERE UNATTENDED FOR LONG PERIOD OF TIME in the back hallway. I ASKED everyone who passed by IF I COULD GET SOME HELP, & ONE medical personnel finally told me "we don't have ANY ROOMS AVAILABLE".

16 Finally, 3 people came & got me & took me to XRAY dept, & then to a Room.

17 I was given help by Social Worker in getting Room For the night AT AN ADJOINING hotel. Went home AT Mayo Clinic the following day & one day later took a very DIFFICULT 1345 mile or 600 miles back to Missouri. Sylvia G. G. G.

Signed this 19 day of August 2021

Signature of Plaintiff Sybil A. Bane

Mailing Address 3305 S. Indiana Ave, #52
Joplin, Mo 64804-4041

Telephone Number 417-499-5860

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.